

JUDGE CEDARBAUM**07 CV****5799**

Michael J. Frevola (MJF 8359)
HOLLAND & KNIGHT LLP
195 Broadway
New York, NY 10007-3189
(212) 513-3200

ATTORNEYS FOR PLAINTIFF
CYGNUS TRANSPORT LTD.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CYGNUS TRANSPORT LTD.,

Plaintiff,

-against-

PALMYRA SHIPPING & CHARTERING LTD.,

Defendant.

07 Civ. _____ (____)

**AFFIDAVIT IN
SUPPORT OF ATTACHMENT**

STATE OF NEW YORK)

) ss:

COUNTY OF NEW YORK)

Michael J. Frevola, being duly sworn, deposes and says:

1. I am a member of the firm of Holland & Knight LLP, attorneys for plaintiff Cygnus Transport Ltd. ("Cygnus"), and I am duly admitted to practice before the United States District Court for the Southern District of New York.

2. I am familiar with the facts and circumstances underlying this dispute and I am submitting this affidavit in support of the Verified Complaint and the Writ of Attachment.

3. Palmyra Shipping & Chartering Ltd. ("Palmyra") is not listed in the telephone directory of the principal metropolitan areas in this district, nor is Palmyra listed in the Transportation Tickler, a recognized commercial directory in the maritime industry.

4. Our office contacted the Secretary of State for the State of New York and was advised that Palmyra is not a New York business entity, nor is Palmyra a foreign business entity authorized to do business in New York.

5. To the best of my information and belief, Defendant Palmyra Shipping & Chartering Ltd. cannot be found within this district or within the State of New York.

6. Based upon the facts set forth in the Verified Complaint, I respectfully submit that the Defendant Palmyra Shipping & Chartering Ltd. is liable to Plaintiff for the damages alleged in the Verified Complaint, which amount, as best as can be presently determined, to a total of US\$467,376.57, including estimated interest, expenses and attorneys' fees.

7. Upon information and belief, Defendant Palmyra Shipping & Chartering Ltd. has property, goods, chattels or effects within this jurisdiction, to wit: funds or accounts held in the name of Palmyra Shipping & Chartering Ltd. at one or more of the following financial institutions:

Bank of America, N.A.

The Bank of New York

Citibank, N.A.

Deutsche Bank Trust Company Americas

HSBC Bank USA, N.A.

JPMorgan Chase Bank, N.A.

UBS AG

Wachovia Bank, N.A.

Société Générale

Standard Chartered Bank

BNP Paribas

Calyon Investment Bank

American Express Bank

Commerzbank

ABN Amro Bank

Bank Leumi USA


Fortis Financial Groups

Banco Popular

Bank of Tokyo-Mitsubishi UFJ Ltd.


8. Plaintiff is, therefore, requesting that this Court, pursuant to Rule B(1) of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, issue a writ of maritime attachment for an amount up to US\$467,376.57.

WHEREFORE, Plaintiff respectfully requests that the application for a writ of maritime attachment and garnishment be granted.



Michael J. Frevola

Sworn to before me this
19th day of June, 2007



Notary Public

Elvin Ramos
Notary Public, State of New York
NO. 01RA4870243
Qualified in Queens County
Certificate filed in New York County
Commission Expires September 2, 2010